

Applicant: Philip J. Pietraski  
Application No.: 10/698,721

## **REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 1 – 5, 12 – 16 and 32 – 36 are currently pending in this application. Claims 1 – 5, 12 – 16, and 32 – 26 are currently amended.

### **Claim Rejections - 35 USC §103**

Claims 1, 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0097686 to Qui (hereinafter "Qui") in view of U.S. Publication No. 2004/0203475 to Gaal (hereinafter "Gaal").

Claims 1, 12 and 32 are further rejected under 35 U.S.C. 103(a) as being unpatentable over EP0899906 to Balachandran (hereinafter "Balachandran") in view of U.S. Patent No. 7,336,629 to Raitola (hereinafter "Raitola").

Claims 2 – 3, 13 – 14 and 33 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qui and Gaal in view of U.S. Publication No. 2004/0142698 to Bergel (hereinafter "Bergel").

Claims 4, 15 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qui, Gaal and Bergel and further in view of U.S. Publication No. 2003/0129992 to Koorapaty (hereinafter "Koorapaty").

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Claims 5, 16 and 36 are rejected under 35 USC 103(a) as being unpatentable over Qui in view of U.S. Patent No. 5,305,468 to Bruckert et al. (hereinafter "Bruckert").

The Examiner has seemingly ignored Applicants' argument regarding Qui's lack of disclosing Applicants' claimed method and apparatus. As Applicants have argued, Applicants disclose a method for predicting a future quality of a communication channel wherein a predictive channel quality is derived on a per time slot basis, based on a current quality. As the Examiner admits, Qui does not disclose the derivation of a predictive CQI on a per time slot basis.

Again, the Examiner has cited Gaal as disclosing "obtaining the channel quality on a time slot basis." Applicants do not claim the determination of a current channel quality on a time slot basis. As Applicants have continuously argued, Applicants' disclosed method for predicting a future quality of a communication channel derives a predictive CQI that is transmitted on a per time slot basis. Gaal's teaching of determining the current quality of a downlink channel on a per time slot basis does not suggest or teach the derivation of a predictive CQI as claimed by Applicants. This is especially true when combining Qui and Gaal.

The Examiner has provided no indication as to how the determination of the current quality of the channel on a per time slot basis, allegedly taught by Gaal, can be used in Qui for deriving the future fast multi-path fading using LRP. Moreover,

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the Examiner has failed to provide how Qui would use such information to generate the predictive value on a time slot basis. The Examiner's assertion, without this showing, is an indication that the Examiner is using Applicants' disclosed method as the basis for a determination of obviousness, which is improper.

Similarly, Balachandran does not disclose Applicants' claimed method. Balachandran's teaching of making measurements on a per multiple time slot basis does not suggest or teach Applicants' claimed method.

Accordingly, neither Qui, Gaal, nor Blanchard, alone or in combination with one another suggests or teach Applicants' method as claimed in claims 1, 12, and 32. Therefore, Applicants' disclosed method is not obvious in view of the references cited.

Claims 2 – 5, 13 – 16 and 33 – 36 are dependent upon claims 1, 12 and 32, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a

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telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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